

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2562 OF 2006

Abdul Azim Mohamed Nazir and anr. ..Petitioners

Vs.

The State of Maharashtra and ors. ..Respondents

Mr. Sanjay Kudalkar for petitioners.
Mr. D.P. Adsule, APP for State.
Mr. Prakash Naik for respondent no.5.

CORAM: B.H. MARLAPALLE, J.

Date : October 12, 2007.

P.C.:

1. Heard the learned counsel for the petitioners who are aggrieved by the show cause notices issued against them under Section 111 of Cr.P.C. Perused the reply filed by the original complainant for whom Mr.Naik appears and also the affidavit filed by Shri Abdul Rehman Ali Baig, Senior Inspector of Police, attached to Sir J.J. Marg Police Station, Mumbai. I have also perused the reply filed by the petitioners to the show cause notices issued by the Special Executive Magistrate, Dongri.

2. Perusal of the show cause notices clearly indicates that they are based on the disputes arising

out of parking of some two wheelers outside the factory premises of the complainant. In short, the complaints emanate from the industrial disputes and the aggrieved parties have a remedy before the Labour Commissioner and/or under the M.R.T.U. & P.U.L.P. Act before the Labour Court/ Industrial Court. Clearly the powers under Sections 107 to 111 of Cr.P.C. cannot be invoked for maintaining peace in the factory. Some frivolous instance of parking of motorcycle on 12/10/2006 is also one of the reasons for issuing the show cause notices. These instances stated in the show cause notices cannot be said to affect peace in the neighbourhood.

3. Having regards to the reply submitted by the petitioners, I hope that the Special Executive Magistrate will hear the petitioners on a given date and by giving them a warning, close the proceedings, rather than insisting on execution of bond. The petitioners to appear before the Special Executive Magistrate within two weeks.

4. Petition disposed off accordingly.

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(B.H. Marlapalle, J.)